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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,934	09/25/2001	Kousuke Shindou	16869P024300	1281
20350	7590	12/30/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/963,934	SHINDOU ET AL.
	Examiner	Art Unit
	Asad M Nawaz	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 September 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The Information Disclosure Statement received on 25 September 2001 has been acknowledged.
3. The claim of foreign priority has been acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being taught by Crawley et al (US Patent No 5,995,503) hereinafter referred to as Crawley.

As to claim 1, Crawley teaches a control method for controlling a load on a second system, the method comprising: receiving a service initiation request from a first system; (Abstract; col 2, lines 30-33)

determining a load level of the load on the second system in response to the service initiation request from the first system; (col 2, lines 38-50; col 4, lines 40-45)

and generating, based upon the load level of the load on the second system determined in response to the service initiation request from the first system, a ticket containing an identifier associated with the service initiation request from the first system and a service initiation period during which service can be provided by the

second system to the first system. (Abstract; col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11)

As to claim 2, Crawley teaches a method as recited in claim 1 wherein the service initiation period is selected to reduce overloading the second system to a load level beyond a permissible load level. (col 6, lines 15-35)

As to claim 3, Crawley teaches a method as recited in claim 1 wherein the first system has priority of access to the second system during the service initiation period over a third system which does not have a ticket corresponding to the service initiation period contained in the ticket of the first system. (col 5, lines 32-39; col 9, lines 30-35)

As to claim 4, Crawley teaches a method as recited in claim 1 further comprising sending the ticket to the first system. (col 5, lines 14-19)

As to claim 5, Crawley teaches a method as recited in claim 5 wherein the ticket is sent to the first system as a cookie. (col 6, lines 8-36)

As to claim 6, Crawley teaches a method as recited in claim 1 further comprising storing ticket generating information of the generating step as a ticket generating history. (col 5, lines 14-24)

As to claim 7, Crawley teaches a method as recited in claim 1 further comprising sending a wait reduction notice to the first system if a service initiation time for the second system is available earlier than indicated in the service initiation period contained in the ticket for the first system. (col 9, lines 19-46)

As to claim 8, Crawley teaches a method as recited in claim 1 further comprising initiating a service request with the second system for the first system, if the load level

of the load on the second system determined in response to the service initiation request is below a preset threshold load level, without generating a ticket. (col 9, lines 19-46)

As to claim 9, Crawley teaches a control method for controlling a load on a second system, the method comprising: receiving a service initiation request and a ticket from a first system, the ticket containing an identifier associated with the service initiation request from the first system and a service initiation period during which the first system has a priority of access for the first system to the second system over a third system which does not have a ticket corresponding to the service initiation period contained in the ticket of the first system; (Abstract; col 2, lines 30-33, col 5, lines 32-39; col 9, lines 30-35)

and initiating a service request with the second system for the first system, if the identifier is valid and if the service initiation request is received during the service initiation period contained in the ticket. (Abstract; col 2, lines 30-33)

As to claim 10, Crawley teaches a method as recited in claim 9 further comprising sending an error message to the first system if the identifier is invalid or if the service initiation request is received outside of the service initiation period contained in the ticket. (col 12, lines 58-63)

As to claim 11, Crawley teaches a method as recited in claim 10 further comprising, if the identifier is invalid or if the service initiation request is received outside of the service initiation period contained in the ticket: determining a load level of the load

on the second system in response to the service initiation request from the first system;
(col 2, lines 38-50; col 4, lines 40-45)

initiating a service request with the second system for the first system, if the load level of the load on the second system determined in response to the service initiation request is below a preset threshold load level; (Abstract; col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11)

and generating, if the load level of the load on the second system determined in response to the service initiation request is above the preset threshold load level, a ticket containing an identifier associated with the service initiation request from the first system and a service initiation period during which service can be provided by the second system to the first system, based on the load level of the load on the second system determined in response to the service initiation request from the first system.

(Abstract; col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11, col 9, lines 40-45)

As to claim 12, Crowley teaches a control method for controlling a load on a second system, the method comprising: sending a first service initiation request from a first system to a ticket control system; (Abstract; col 2, lines 30-33)

receiving from the ticket control system, in response to the first service initiation request, a ticket containing an identifier associated with the first service initiation request from the first system and a service initiation period during which service can be provided by the second system to the first system; (Abstract; col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11)

sending a second service initiation request with the identifier associated with the first service initiation request from the first system to the ticket control system; (Abstract; col 2, lines 30-33)

and receiving service from the second system when the second service initiation request is sent by the first system within the service initiation period indicated by the ticket. (Abstract; col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11)

As to claim 13, Crowley teaches a method as recited in claim 12 wherein the ticket is sent with the second service initiation request from the first system to the ticket control system. (col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11)

As to claim 14, Crowley teaches a control method for controlling a load on a second system, the method comprising: receiving a request by the second system from a ticket control system requesting load information of the second system based on a service initiation request by a first system; (Abstract; col 2, lines 30-33)

and sending the load information of the second system to the ticket control system, the load information to be used to determine a load level of the load on the second system and a time period during which service can be provided by the second system to the first system based on the load level of the load on the second system. (col 5, lines 14-29)

As to claim 15, Crowley teaches a method as recited in claim 14 further comprising: receiving a service initiation request from the first system via the ticket control system in the time period during which service can be provided by the second system to the first system as determined based on the load level of the load on the

second system; and sending a service initiation response to the first system in response to the service initiation request. (Abstract; col 2, lines 38-45, col 5, lines 14-39; col 8, lines 4-11)

Claims 16-20 are essentially the system and code means for the method claims above and thus are rejected under the same rationale.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOSAIN ALAM
SUPERVISORY PATENT EXAMINER